

**DuaneMorris**

DUANE MORRIS LLP  
ONE MARKET, SPEAR TOWER, SUITE 2000  
SAN FRANCISCO, CA 94105-1104  
PHONE: 415.957-3000  
FAX: 415.957-3001

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**FACSIMILE TRANSMITTAL SHEET**

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**TO:** EXAMINER BRIAN S. SZMAL

**FIRM/COMPANY:** Mail Stop Amendment

**FACSIMILE NUMBER:** 571 273-8300

**CONFIRMATION**  
**TELEPHONE:**  
**FROM:** Ruth Der, Paralegal

**DIRECT DIAL:** 415.957-3031

**DATE:** August 24, 2006

**USER NUMBER:**

**FILE NUMBER:** Atty. Docket No. R0367-00302, Serial No. 10/650,027

**TOTAL # OF PAGES:** 5  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached are *Information Disclosure Statement* and *Form PTO-1449*.

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AUG 24 2006

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re the application of  
Burbank et al.For: **ELECTROSURGICAL BIOPSY DEVICE  
AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

Examiner: Brian S. Szmal

Group Art Unit: 3736

**TRANSMITTAL****CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**I hereby certify that this correspondence is being transmitted by facsimile to (571) 272-8300. Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Brian S. Szmal on 8/24/2006 in San Francisco, CA.By: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


1. Transmitted herewith for filing in the above-identified patent application are

☒ Information Disclosure Statement; and  
☒ Form PTO-1449.

2. Payment of Fees

☒ Applicants believe that there is no fee due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302. A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully submitted,

By:   
Edward J. Lynch  
Registration No. 24,422  
Attorney for ApplicantsDuane Morris LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105  
Telephone: (415) 957-3000  
Facsimile: (415) 957-3001  
Direct Dial: (415) 957-3067

AUG 24 2006

PATENT

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COPY

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**INFORMATION DISCLOSURE  
STATEMENT****CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**I hereby certify that this correspondence is being transmitted by facsimile to (571) 272-8300, Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, Atty: Brian S. Szmaj on 8/24/2006 in San Francisco, CA.By: [Signature]Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449 form and request that they be considered by the Examiner. Each item of information contained in the Information Disclosure Statement was cited by the Patent Office on a related application not more than three months prior to the filing of this Statement.

Applicants believe that there is no fee due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to credit any overpayment set forth under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00302.

Respectfully submitted,

By: [Signature]Edward J. Lynch  
Registration No. 24,422  
Attorney for ApplicantsDUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94105  
Telephone: (415) 957-3000  
Facsimile: (415) 957-3001  
Direct Dial: (415) 957-3067

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> UNDER 37 CFR §1.56, §1.97, and §1.98 <b>PTO-1449 FORM</b>  SHEET 1 OF 1				ATTORNEY DOCKET NO.:  R0367-00302		SERIAL NO.:  10/650,027	
				APPLICANTS: Burbank et al.		EXAMINER Brian S. Szmal	
				FILING DATE: August 27, 2003		GROUP ART UNIT: 3736	

U.S. PATENT DOCUMENTS						
↑ EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	A80	5,810,764	9/98	Eggers et al.		
	A81	6,280,450	8/01	McGuckin, Jr.		

FOREIGN PATENT DOCUMENTS						
↑ EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)	

NON-PATENT DOCUMENTS		
↑ EXR INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S SIGNATURE	DATE CONSIDERED
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↑ EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609.  
 Line through citation if not in conformance and not considered.  
 Include copy of this form in next communication to applicant.

\* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 36 U.S.C. 120. 37 C.F.R. 1.98(d).